



Town of Arlington
Department of Health and Human Services
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**Board of Health Meeting Minutes
Wednesday, September 12, 2018
BOH Conference Room – Mural Room
Arlington Senior Center
5:30pm**

Board Members in Attendance: Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg, Dr. Kevin Fallon

Staff in Attendance: Natasha Waden, Director of Public Health; Kylee Sullivan, Health Compliance Officer; Jessica Kerr, Public Health Nurse; Nina Shields, Public Health Associate

Others in Attendance: Ranbir Rai, Nilesh Patel, Ashley Smith

Recording Secretary: Laura Munsey, Health & Human Services Office Manager

Meeting called to order by Dr. Marie Walsh Condon at 5:30 pm.

Accept May 23, 2018 Meeting Minutes

A **Motion** was made by Dr. Kevin Fallon, which was seconded by Mr. Kenneth Kohlberg to accept the May 23, 2018 meeting minutes as submitted.

Vote:3-0 in favor of the motion (Unanimous)

Hearing: Tobacco Sales Violations

Inspector Kylee Sullivan reported that on July 11, 2018 tobacco compliance checks at 12 of the 19 tobacco retailers were conducted. She further reported 2 violations were documented at the following establishments: Little Joe's Convenience Store and Peter Pan Superette

Little Joes Convenience Store

Inspector Sullivan reported that at Little Joe's Convenience Store, 206 Summer Street, the sale of "Marlboro Seventy-Twos" was made at approximately 2:26 pm to a 20 year old female. She reported that Little Joe's Convenience had a previous violation on March 16, 2016. She informed the Board that under the Towns Tobacco Regulations a 2nd offense within a 36 month period results in a fine of \$200.00 and 14 days suspension

of the Retailers Tobacco Permit. Inspector Sullivan informed the Board of an error in the initial order letter regarding the amount of the fine. She further informed the Board that the fine has not yet been paid.

Mr. Ranbir Rai addressed the Board and informed them a new part-time employee made a mistake. He informed the Board that he terminated the employee and they no longer work at Little Joe's. He stated only he, and 1-2 other employees work at Little Joe's and they check anyone under 30-35 years old. Mr. Rai requested that only a 7 day suspension of the tobacco permit be issued.

Dr. Marie Walsh Condon informed Mr. Rai that this is a serious offense, and the Regulations are clear for a 2nd violation. She further stated each violation has greater consequences.

A **Motion** was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Kevin Fallon to issue a \$200.00 fine with a suspension of Tobacco License for 14 consecutive business days to Little Joe's Convenience Store.

Vote:3-0 in favor of the motion (Unanimous)

The Board informed Mr. Rai the Health Department would follow-up regarding the 14 day suspension of the Tobacco Permit.

Peter Pan Superette

Inspector Sullivan reported that at Peter Pan Superette, 2 Park Avenue, the sale of "Marlboro Smooth Original Flavor Cigarettes" was made at approximately 2:30 pm to a 20 year old female. She reported that Peter Pan Superette has no previous violations. She informed the Board that under the Towns Tobacco Regulations a 1st offense results in a fine of \$100.00 and 7 days suspension of the Tobacco Permit.

Mr. Nilesh Patel addressed the Board and informed them he has been in business for 20 years and has never before had a violation. He showed the Board a video (on his tablet) which showed the clerk did ask for an I.D. but, then in error he miscalculated the date. He reported the clerk was informed by the "purchaser" that she was 21 years old.

Mr. Kenneth Kohlberg stated that regardless of the discussions between the "purchaser" and the clerk, the "purchaser" provided an I.D. which indicated she was only 20 years old, and the clerk still made the sale.

Dr. Walsh Condon also acknowledged that this was the first violation since the regulations went into effect, and she is confident that Peter Pan Superette will make every effort to see that no future violations are reported.

A **Motion** was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Kevin Fallon to issue a \$100.00 fine with a suspension of Tobacco License for 7 Consecutive Business Days to Peter Pan Superette.

Vote:3-0 in favor of the motion (Unanimous)

The Board informed Mr. Patel the Health Department would follow-up regarding the 7 day suspension of the Tobacco Permit.

Discussion: Marijuana Regulations

Director Natasha Waden informed the Board that over the Summer the Town Manager's Office established an Advisory Committee regarding zoning for Recreational Marijuana establishments. She stated that Arlington is unique in that Regulations for Medical Marijuana have already been established, but with Recreational Marijuana being legalized in Massachusettes, the Board will need to "meld" these two together. Recreational Marijuana Regulations are being reviewed by the Cannabis Commission at a state-wide level.

Director Waden stated there is a Moratorium for the sale of Recreational Marijuana through December 31, 2018. She informed the Board that draft regulations would be presented to the Board in October with a target date for implementation by January 1, 2019.

Director Waden informed the Board that the Mass Patient Foundation is proceeding with the plans to open a Medical Marijuana Dispensary at 11 Water Street within the next 2 weeks, and the Health Department is awaiting a few edits to the handbook, pre-operational inspection, and submission of agent credentials. Once approved, the Building Department will issue an Occupancy Permit.

Director Waden will be attending a MHOA and MAHB Meeting regarding Model Regulations in the upcoming weeks.

Discussion: Rock Removal Regulations

Director Waden informed the Board that she has been working with Mr. Domenic Gentile, a Summer Intern, regarding Rock Removal Regulations for the Health Department. A draft will be presented to the Board in October. Director Waden informed the Board that few communities have existing Regulations specifically for Rock Removal. She stated some communities have "Earth Removal" and "Noise" Regulations, but there are currently no "Model Regulations" that have been established for Rock Removal.

Dr. Fallon inquired about damages that could occur due to "vibrations", or "hitting a spring" which could impact surrounding properties.

Discussion: Novus Agenda

Director Waden informed the Board that the Health Department will join the Select Board and School Committee in implementing Novas Agenda, a new software which will digitize the Board of Health Agendas, Packets, and Documents. This is part of the Town's ongoing efforts to improve transparency and increase efficiency, and will assist with public requests for information, and easier navigation for Board members. Use of this software will also result in less paper being used. Each Board Member will be provided with a tablet and tutorials will be available. Mr. Adam Kurowski of the Town's Information Technology (I.T.) Department will be available to present information to the Board regarding this Software at the October meeting.

Environmental Updates

- **Plastic Bag Ban:** Inspector Sullivan informed the Board that as of July 1, 2018, all retailers in Town are regulated by the Plastic Bag Ban. Inspections have been conducted, and all businesses are in compliance.
- **West Nile:** Director Waden informed the Board that Arlington has been elevated from a Moderate Risk to a High Risk for West Nile Virus. She reported mosquitoes have tested positive for West Nile Virus in Arlington, and there have been 11 human cases in Massachusetts (none of which in Arlington). The Health Department recommends wearing long sleeves and pants when out during peak times (dawn/dusk) and the use of Mosquito Repellant is always recommended.

Restaurant Updates

Inspector Kylee Sullivan informed the Board of the following Restaurant Updates:

New food permits were issued at:

- Two establishments at the Local Fare
- Home Taste (which opened up in July of 2018)
- A Residential Kitchen Permit
- Town Tavern
- Gibbs Middle School

Plan Reviews received for:

- Luigi's
- New Establishment at Bistro Duet
- Thrive Café (Modified Plan Review)

Public Health Nurse Updates

Jessica Kerr informed the Board that Flu Clinics have begun. She reported Senior Clinics will take place in September, and School-Based and Public Clinics will be held in October.

- **Medical Reserve Corps (MRC).** Nurse Kerr was pleased to announce the Arlington Health Department has been selected as the Host Agency for the Region 4B Medical Reserve Corps Program.. A Coordinator has been hired, Mr. Domenic Gentile, who will work with 27 communities to restore the MRC Program for Region 4B. Jessica Kerr will be the Supervisor of the Program and Cambridge Health Alliance will continue to be the Fiscal/Financial Agent. A new website will be developed and a new data base will be implemented for the program. Large scale recruitments will take place in all 27 communities for both medical and non-medical volunteers. The new program will be more inclusive of strategic plans for handling emergencies and working with hospitals, long-term care facilities, EMTs etc. Nurse Kerr stated that this is an exciting time for the MRC Program and Arlington as it's Host Agency.

Public Comment

None

Meeting was adjourned at 6:18 pm.